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Docket 16952CON1DIV8DIV5

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: AOKI et al. ) Examiner: A. Gupta  
Serial Number: Pending ) (parent app.)  
Filed: Herein ) ) Art Unit: 1653  
For: METHOD FOR TREATING MUSCLE SPASM ) (parent app.)  
WITH BOTULINUM TOXIN TYPE B ) )  
 ) Irvine, California

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Transmittal herein for filing under 35 U.S.C. §121 and 37 C.F.R. 1.53(b) is a new utility (divisional) patent application for the invention entitled METHOD FOR TREATING MUSCLE SPASM WITH BOTULINUM TOXIN TYPE B invented by K. Roger Aoki et al. This application is a divisional of pending application serial number 09/490,756, filed January 24, 2000, which is a divisional of pending application serial number 08/627,118, filed April 3, 1996, which is a continuation of application serial number 08/173,996, filed December 28, 1993, now abandoned.

With regard to the above-identified pending patent application, please find enclosed: (1) a 14 page Preliminary Amendment with a copy of the February 8, 2001 Brin declaration; (2) the one-page Associate Power of Attorney and the two IDS and the PTO-1449 Forms filed in parent application serial number 09/490,756; (3) this two-page Transmittal Letter; (4) a copy of the 25-page parent patent application (serial number 08/173,996); (5) a copy of the original, executed declaration from the inventors from parent application serial number 08/173,996; (6) a copy of the assignment of the parent patent application serial number 08/173,996 to Allergan, Inc.; (7) a copy of the February 8, 2001 Brin Declaration, and; (8) a return postcard.

The filing fee is calculated as \$788.00 should be charged to our deposit account number 01-0885.

Applicants hereby claim the benefit under 35 U.S.C. section 120 from pending application serial number 09/490,756, filed January 24, 2000, pending application serial number 08/627,118, filed April 3, 1996, and abandoned application serial number 08/173,996, filed December 28, 1993, the contents of which prior filed

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applications are hereby incorporated by reference in their entireties into the application filed herein.

The pending parent application serial number 09/490,756 is not abandoned by this filing.

The Director is hereby authorized to charge any required or necessary fee associated with the filing of this paper and any of the attached documents, and to credit any overpayment to, deposit account number 01-0885.

Date: July 11, 2001

  
Stephen Donovan  
Registration Number 33,433

Please direct all correspondence and inquiries to:

Stephen Donovan  
Allergan, Inc.  
2525 Dupont Drive  
Irvine, CA 92612  
Telephone: 714 246 4026  
Fax: 714 246 4249

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that this Transmittal Letter, the divisional patent application, preliminary amendment, and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date July 11, 2001, in an envelope as "Express Mail Post Office to Addressee" Mailing Label number EL385557492US addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231

Susan Bartholomew  
Name of person mailing paper

Date: July 11, 2001

  
Signature of person mailing paper